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UNITED STATES DISTRICT COURT  
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FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 DISTRICT COUNCIL 16 NORTHERN  
CALIFORNIA HEALTH AND WELFARE  
12 TRUST FUND, et al.,

13 Plaintiffs,

14 v.

15 LAMBARD ENTERPRISES, INC., a  
California corporation,

16 Defendant.  
17

Case No.: C09-5189 SBA

**ORDER GRANTING SUMMARY  
JUDGMENT FOR PLAINTIFFS**

Judge: The Honorable Sandra B. Armstrong

18 Plaintiffs' Motion for Summary Judgment filed by Plaintiffs District Council 16 Northern  
19 California Health and Welfare Trust Fund, its Joint Board of Trustees, and Doug Christopher as  
20 Trustee; District Council 16 Northern California Apprentice & Journeyman Training Trust Fund;  
21 Resilient Floor Covering Pension Fund, its Board of Trustees, and Steve Havens as Trustee;  
22 Central Coast Counties Floor Covering Industry Pension Fund; and District Council 16 of the  
23 International Union of Painters and Allied Trades appeared and presented, or in the alternative,  
24 were submitted on the papers.

25 After considering the moving and opposing papers, arguments of counsel and all other  
26 matters presented to the Court, IT IS HEREBY ORDERED THAT the motion is GRANTED in its  
27 entirety.

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Plaintiffs shall recover the following from Defendant:

|                                     |   |             |                     |
|-------------------------------------|---|-------------|---------------------|
| July 2009                           | Contributions (\$10,320.24)                           | PAID        |                     |
|                                     | 10% Liquidated Damages or \$750 Cap                   | \$750.00    |                     |
|                                     | 5% Interest (9/1/09 – 9/23/09)                        | \$31.10     |                     |
|                                     |   |             | \$781.10            |
| August 2009                         | Contributions   | \$65,619.76 |                     |
|                                     | 20% Liquidated Damages                                | \$13,123.95 |                     |
|                                     | 5% Interest (through 3/15/10)                         | \$1,779.82  |                     |
|                                     |   |             | \$80,523.53         |
| September 2009                      | Contributions   | \$5,014.23  |                     |
|                                     | 20% Liquidated Damages                                | \$1,002.85  |                     |
|                                     | 5% Interest (through 3/15/10)                         | \$110.45    |                     |
|                                     |   |             | \$6,127.53          |
| October 2009                        | Contributions   | \$5,101.12  |                     |
|                                     | 20% Liquidated Damages                                | \$1,020.22  |                     |
|                                     | 5% Interest (through 3/15/10)                         | \$87.21     |                     |
|                                     |   |             | \$6,208.55          |
| November 2009                       | Contributions   | \$12,765.72 |                     |
|                                     | 20% Liquidated Damages                                | \$2,553.14  |                     |
|                                     | 5% Interest (through 3/15/10)                         | \$153.19    |                     |
|                                     |   |             | \$15,472.05         |
| December 2009                       | Contributions   | \$7,862.54  |                     |
|                                     | 20% Liquidated Damages                                | \$1,572.51  |                     |
|                                     | 5% Interest (through 3/15/10)                         | \$54.28     |                     |
|                                     |   |             | \$9,489.33          |
| January 2010                        | Contributions ( <i>Estimated because Unreported</i> ) | \$8,142.36  |                     |
|                                     | 20% Liquidated Damages                                | \$1,628.47  |                     |
|                                     | 5% Interest (through 3/15/10)                         | \$18.74     |                     |
|                                     |   |             | \$9,789.57 Est.     |
| <b>SUB-TOTAL</b>                    |   |             | <b>\$128,391.67</b> |
| Attorneys Fees (10/23/09 – 3/16/09) |   |             | \$11,528.50         |
| Costs of Suit (through 12/23/09)    |   |             | \$540.00            |
| <b>TOTAL</b>                        |   |             | <b>\$140,460.17</b> |

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Contributions totaling **\$104,505.73** shall continue to accrue 5% per annum interest from March 17, 2010 to date of satisfaction of Judgment, in accordance to the Collective Bargaining Agreement and Trust Agreements, and post judgment interest shall accrue on the remaining amounts due of **\$35,954.44**.

Date: 7/15/10

  
UNITED STATES DISTRICT COURT

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery St., Suite 2110, San Francisco, California 94104.

On March 16, 2010, I served the following document(s):

**[PROPOSED] ORDER**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

*Attorney for Defendant:*

**E. Scott Holdbrook, Jr., Esq.  
Crawford & Bangs, LLP  
1290 E. Center Court Drive  
Covina, California 91724-3600**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 16<sup>th</sup> day of March, 2010, at San Francisco, California.

\_\_\_\_\_/s/\_\_\_\_\_  
Qui X. Lu